

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAMIEN WARSAVAGE	:	CIVIL ACTION
	:	
v.	:	
	:	
1 & 1 INTERNET, INC.	:	NO. 17-5104

ORDER

AND NOW, this 24th day of May, 2018, for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

(1) the motion of defendant 1 & 1 Internet, Inc. to dismiss the complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted is GRANTED in part and DENIED in part;

(2) plaintiff's claims for wrongful termination and constructive discharge in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq., are DISMISSED for failure to exhaust administrative remedies;

(3) plaintiff's claim for retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq., related to his first charge of discrimination filed on November 23, 2016 with the Equal Employment Opportunity Commission is DISMISSED for failure to sue timely after receiving the right-to-sue letter;

(4) plaintiff's claims for wrongful termination and constructive discharge in violation of the Pennsylvania Human Relations Act, 43 Pa. Const. Stat. §§ 951, et seq., are DISMISSED for failure to exhaust administrative remedies;

(5) plaintiff's claim for retaliation in violation of the Pennsylvania Human Relations Act, 43 Pa. Const. Stat. §§ 951, et seq., related to his first charge of discrimination filed on November 23, 2016 with the Equal Employment Opportunity Commission is DISMISSED for failure to sue timely after receiving the right-to-sue letter; and

(6) the motion to dismiss is otherwise DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.